	Agriculture, Fish, & Water (AFW) Field Office Technical Guide (FOTG) Executive Committee Meeting # 12 Thursday, August 23, 2001 Sawyer Hall, USFWS, Olympia, WA			
Note: These draft minutes are gross representations of the meeting and no party is binding to any accountability of the minutes.				
1.	Welcome/Introductions Tim Thompson called the meeting to order at 8:50am and welcomed all attendees. Mike Rundlett announced the emergency exits, bathroom locations, and first-aid kit location.			
	Thompson requested comments on the last AFW FOTG EC meeting draft minutes (May 10 th). Gretchen Borck asked that comments/approval of last meeting's draft minutes be moved to the end of the meeting.			
	Thompson brought up the expressed frustration of the AFW progress. He suggested that the EC be disciplined in its work today and, as a ground rule, that only the EC members provide input. Also, in the interest of time, he asked that there not be domination by any individual. Thompson also insisted that the attendees be respectful and listen during today's meeting presentations, even when there is disagreement. Thompson also requested that attendees turn off their cellular phones.			
2.	Ag Caucus Presentation Borck thanked Steve Landino and John Mankowski for compiling the science literature references. She stated that it is a valuable book that could help fill agency science gaps with supplemental documents. Borck also stated that there is a science panel at today's meeting that is familiar with the science reference literature. Borck also stated that the panel could help the AFW process using information and sound science to provide healthy, viable agriculture and salmon populations.			
	Sara Hemphill said that the FOTG Integrated Technical Team (ITT) has provided a special opportunity for cross science discussions to occur within the AFW process. Hemphill introduced today's science panel:			
	 Sam Chan, from Corvallis, Oregon, is a plant physiologist with the Forest Service at the Pacific Northwest Research Center. Mike Maki, a consultant with Agroforestry Associates, works with forestry, agriculture, and restoration issues. Wilbur Anderson, a horticulturist for 41 years, worked with WSU research center as superintendent. Carl Kassebaum is a professional engineer with 21 years experience on water 			
	related projects. He is currently helping local governments with new			

Hemphill stated that the AG caucus science presentation has three goals:

regulations.

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- 1 1. To address the recommendations of the State and Federal agencies, in light of their science references;
 - 2. To identify strategies to fill gaps in existing science to better support Ag-related policy decisions.
 - 3. And to provide some next action steps.

Hemphill reminded the table of some of the AFW negotiations guiding principles:

- Voluntary participation
- Commitment to best available science
- Physical, chemical, and biological science
- For Ag to participate in a protection program

Hemphill provided a summary of the draft of the original guiding principles and noted that pursuant to ITT negotiations the principal had changed. The revision includes consideration of issues such as the Growth Management Act, Shorelines Management Act, species list expansion, full farm plan approach, and reasonable/practical solutions to the farmer.

Hemphill would like to see the science literature references provided in the RELC in an electronic format. She stated that the Agriculture (AG) caucus does not agree with the science that was presented. However, the AG caucus agrees that a significant but incomplete body of science was presented in the doorstop (RELC) and significant room for differences exist in the interpretation of the science.

 Hemphill provided a number of assumptions of the AG caucus and today's science panel presenters:

- 1. There is a common goal of providing Properly Functioning Conditions (PFC) to watercourses in a timely manner and of maintaining agriculture as a viable entity;
- 2. The agricultural environment is, and will remain, altered;
- 3. There are limited resources of funding, staff, and science. Therefore the process requires voluntary participation and incentives.
- 4. There are limited applied science that address salmon and Ag concurrently.
- 5. Solutions are not going to be cheap and they will be ongoing

Hemphill stated that the science panel format consists of a series of questions and answers that she will ask of the panelists, this will be followed by questions from the table, and then a summary will be provided.

Synopsis of Science Panel Answers to Questions posed from Hemphill:

Maki: Discussed patchiness of riparian characteristics that include a diversity of habitat elements within a range. Maki stated that a system can not be restored to prehistoric conditions – can only move forward. Farmers and foresters are experts at crop/plant management. They need to become involved in programs with incentives. He emphasized that riparian farm planning must be fully supported to be

implemented and maintained. He also stated that management should be directed towards optimal efficiency since resources are limited. The significance of riparian

functions diminishes rapidly with the distance from the waterway, which is why it is important to focus on issues right near the waterway. The determination of *adequacy* is an issue that is left unanswered at this time. Maki provided two examples of managed vs. unmanaged aspects of riparian systems: Large Woody Debris (LWD) and sedimentation.

Chan: Began his presentation by stating that he cannot take a position on any point or propose a buffer width. Chan presented overheads that helped illustrate the forest landscape. Differences in microclimate of the headwaters and downstream areas create better tree growth habitat in the headwaters area. That is why headwater regions provide the greatest production of LWD. Each portion of the stream provides different functions to the system. Lowland areas tend to be much more highly developed. Chan stated that historical records of riparian areas in this area date back to 1700's, which creates a narrow perspective on pre-historic riparian scenarios. Chan provided information on the microclimate of thinned and unthinned riparian areas and canopy development/available skylight. Chan offered an example of an active management approach on an Oregon farm. He stated that there are many options in agriculture, as well as forestry, to add to or maintain biological functions. Usually these options are voluntary decisions. Incentives cause more volunteers to sign up. Chan also stated that every person has an impact on the landscape. Before concluding Chan made a brief announcement of the Master Watershed Steward program that provides more informed solutions.

Anderson: Anderson stated that urgent economic factors that have apparent solutions lead to fast changes. Anderson provided examples of research on agricultural landscapes. One example was of an agricultural cucumber resistance situation that occurred in the 60's which was solved within a quick timeframe. Another example focused on the nitrate concentration in the Skagit River in the early 90's. The third example described the reduced sediment loads in V-Ditches due to cover crops.

Kassebaum: Stated that many regulatory challenges are presenting themselves to local jurisdictions. Kassebaum suggested that local governments look towards long-term, balanced solutions. Kassebaum reminded the table that transfer from federal authority to local authority occurs when local jurisdictions buy into ESA rules. He also stated that trust, respect, and faith will provide the opportunity for the process to move on.

Hemphill stated that the study conducted by Susan Bolton identifies the science research needs in the AFW process. Hemphill stated the AG caucus would like the AFW process to be clear about the question asked when looking at existing science and research. Hemphill also suggested baseline assessments on both individual farms and on the watershed bases need to be done. Hemphill commended the ITT process as a good step forward. She recommended an oversight agricultural science panel. Curt Smitch stated that such a panel would be ineffective because it would have no forcing mechanism for making decisions.

Thompson proposed a ten-minute break.

BREAK

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An open discussion took place with the EC and science panel.

Chan cleared up some questions that Steve Landino had about his presentation. Chan stated that lowland regions are not poor tree growing areas, however, they tend to be patchy because of their microconditions. Upland areas are more stable and will provide better conditions for trees in times of stress. Landino stated that the AFW process basically deals with lowland areas.

Smitch stated that policy decisions need to be made and asked what conditions are reasonable for agriculture to get to negotiations. Hemphill mentioned that the process could be advanced with funding assurances.

Maki stated that the issue of adequacy is critical and subjective - where is the threshold established? He also stated that streams are diverse – it is difficult to lump them in one group. Smitch asked how science helps development of policy. Maki responded that it's a very difficult thing to do, but determining adequacy limits is the key.

Smitch would like the science community to provide a range of reasonable and acceptable needs of the agricultural community without resorting to site-specificity. Anderson stated that the critical questions in this issue have not been asked and that it is very difficult for sound research and science to be applied to this. Maki added that Bolton's study identifies the missing research in this process. Smitch suggested that despite this large gap in science, the process still should start by using adaptive management. Anderson stated that determining baseline conditions is a critical step.

John Mankowski stated that there is no expectation on the part of the state to apply FEMAT standards to agricultural lands, but there is a good sense of what is needed. Mankowski states the dilemma is how to get to those expectations. Chan referred to a meeting handout that provides a summary of the Bolton paper. This paper describes the research Bolton determined was needed to develop as background information in this process. Chan mentioned that once a baseline is established then the process could move on.

Claudio Stockle stated that although funding is not up for discussion, money is necessary to come up with a clear picture on how to start solving the problem.

Dan Wood asked the agriculture community for a buffer size that is workable with ESA that they would be willing to support. Maki suggested using the buffer width as it is written today as an experimental approach and then re-visit the issue after a ten-year period. Smitch asked how long the science issue would take to clear up and what the next steps are? Kassebaum stated Wood's approach: To look at smaller scale levels while doing the scientific research to provide adaptive management in the process.

Betty Sue Morris said that there's science, policy and there's also state law. Morris explained that State law requires local governments to regulate agriculture by updating critical area ordinances (CAO) through best available science. She would like the EC to provide them with suggestions of the best available science.

Thompson thanked the panelists for the discussion of the science. He stated that next he will provide a strawman approach based on his observations of the elements in this process. Thompson asked for permission to rearrange agenda items so that he may present his strawman approach. The table agreed.

LUNCH

Thompson mentioned that the AFW process has been successful, but the tough issues have not yet been tackled. He suggested the need for policy direction from the EC on some issues. He complimented the ITT's success and noted it was the results of participation by the farmers who provided lots of effort at the table.

Thompson stated that it is important for all AFW members to assume responsibility for the success and failure of this process. Thompson suggests committing to a 6 months work schedule with specific timelines and deliverables determined by a small workgroup that would be presented to the EC. At the end of 6 months, an assessment of progress will determine whether to continue with the process or not.

Thompson stated the buffer is the big issue to get through. There are other issues, but it is necessary to get through this one to be successful. He proposed a plan that provides options for landowners. The plan consists of major options: Do nothing, Buffer Protection, and Full Meal Deal. He also proposed an Independent Science Review and establishing Funding and Compliance Committees.

 Key principles of suggested approach:

- 1) The AFW process is voluntary and landowners need to assess their landscapes and ESA-CWA obligations with the best information possible.
- 2) In some areas we lack scientific certainty as to what is required. There is a substantial body of well-established ESA-CWA science, but some of it may not be applicable to the agricultural landscape because of the diversity of the agricultural practices.
 - We could all benefit from a greater degree of scientific certainty and on-the-ground agricultural science.
- 3) Because of the diversity of the AG landscape and practices there is a need for flexibility.
 - 4) We are not going to persuade each other on the requirements of ESA-CWA or where the truth is on the science. We need to provide a long-term process to address our differences and acknowledge our past efforts.
 - 5) It is important for everyone that we make progress and develop an approach that allows us to identify where we can agree and where we can disagree. Where we can disagree, we need to explore the options for remedy and allow people to make choices. Here is Thompson's suggested proposal.

OPTIONS FOR LANDOWNER

- 1) "Do Nothing"
- Landowner retains options of not taking action based upon their individual circumstance. Depending
 upon the individual set of facts, this option may not comply with ESA-CWA. Landowner may not be
 affected directly. Landowner may be making efforts already.

- Agencies and governments would carry out their duties/programs (permitting, inspections, enforcement) GMA/CAO development continues independently.
 - State and Federal agencies complete FOTG review at some point.
 - Landowner assesses risk and facts.

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2) Buffer Protection

This pathway assumes two pathways to riparian protection

- A. We agree on the size of the buffer. The buffer is deemed to be adequate for specific site or waterway classification and complies with ESA-CWA.
 - Receives no jeopardy and potentially full ESA coverage certainty.
 - Receives full funding cost share at 200%.
- B. We disagree on the size of the buffer, but a buffer is proposed. The buffer is deemed to be positive but not sufficient in agencies' minds to fully comply with ESA-CWA.
- Landowner plants a buffer and receives a "no jeopardy" opinion but not full ESA-CWA certainty.
- Receives compensation full or partial?
- Agrees to monitoring adaptive management process with a 5-year timeframe (negotiable) to progress toward attaining CWA-ESA compliance. Adaptive management and science process informs the process and trues up the buffer within the 5 years up or down.
- C. Implementation of the whole farm plans should allow the opportunity to potentially reduce the buffer.
- 3) Full Meal Deal
- Landowner agrees to the protections in the Federal-State matrix
 - Feds-State agree to identify areas of flexibility in the matrix. Also agree to consider expansion of waterway classifications beyond previous matrix.
 - Ag caucus and others agree to identify areas where they need flexibility and attempt to identify new waterway classification.
 - Receives full CWA-ESA coverage and certainty.
 - Maximum cost share and incentives.
- 4) Independent Science Review
- Seek Federal and State funds to conduct an independent science review at the "agricultural landscape" (ESA-CWA) in Washington. Should look at National Academy of Science process model to inform. Thompson suggests the parties to the AFW process nominate equal numbers of scientists to the process and agree to select a chair by consensus. Must be decision based.
- 34 5) Establish funding and compliance committees
 - Must secure full funding.
 - Compliance and coverage assumed to come from section VII. Other options of protection in section IV and X of ESA could be pursued.

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To be done by next EC meeting:

- Individual caucuses must submit a limited number of names for the administrative work group that will develop a 6-month work plan with specific timelines and work procedures to be completed.
- All caucuses need to review suggested approach and develop a response as to how it can work to address their needs.
- 44 Agricultural Caucus will identify new waterway classifications that are more reflective of the Agricultural landscape.
- Feds and state will identify areas of flexibility in the Fed-State matrix.

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- Thompson requested that people provide input on his strawman proposal. He also would
- like the federal and state agencies to provide input on potential flexibility in the waterway tables. Thompson also requested that the AG caucus offer their suggestions to waterway
- classifications. At the next EC meeting a discussion to identify potential incentives for
- these options will take place.

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Philip Morley suggested a half-hour caucus to discuss Thompson's strawman proposal.

Jay Gordon stated that the agriculture community does not think this a money issue, it is a trust issue. Thompson stated that trust and respect are important aspects, but without money the process will not work.

Mike Poulson would like comments as to how the strawman proposal might fit with Critical Area Ordinances. Thompson said that State/Fed buy-off of the AFW proposal might be able to tie in with Critical Area Ordinances.

Smitch agrees with Morley to have a caucus on this. He stated that the "do nothing" option probably doesn't fit into critical area ordinances. He would also like scientific credibility to these options. Smitch also commented that a deferral of this topic to another meeting is not constructive since other timelines that involve the CREP proviso language are waiting on the AFW process.

Poulson stated his concern that an adoption of the AFW program will automatically result in regulation under critical area ordinances.

Thompson stated that the "do nothing" option is a voluntary approach for the landowner, it is not a policy decision.

Morris stated that agriculture processes are different from forest and fish processes since the state regulates forest and fish and does not regulate agriculture. Counties are being pressured into regulating the State's agricultural lands starting next year through critical area ordinances. She stated that counties are in the middle. Morris would like consensus at this meeting on how to deal with this issue. Dan Wood suggested that agreement on this issue is important in order to marry science and policy. He stated the possibility of asking the legislature and governor for the CAO to be amended to include the AFW process.

John Mankowski stated the possibility that with CTED, state standard for the CAO-buffer, like a model ordinance, could be developed for use by the counties.

Easter discussed the implementation of the FOTG practices through the farm plan. He stated that this is another process that could have an impact on Section 7. Thompson stated that the implementation of farm plans is part of the strawman package.

Wade Troutman stated that trust is a big issue. He is looking for protection from lawsuits - for government to stand up for him. Troutman would like for the state and the counties to develop trust with the Ag community. He also stated his concern with how this process will affect the efficiency of his farm.

Smitch stated that he is looking for the level of scientific credibility that all caucuses can agree to. This level of agreement should have enough scientific credibility to be able to defend all caucuses against third-party lawsuits.

defend all caucuses against third-party lawsuits.

Don Munks stated that as a commissioner he has made an oath to uphold the law and to represent the people. He stated the need to build consensus with people that this process is not just starting with the buffer issue and grows from there. Munks stated that trust of what is true science and funding opportunities provide hope for getting this process done.

He likes the options package presented by Thompson. Munks stated that the options

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4	Tom Eaton would like to see if the options package could be administered at the
5	watershed scale and monitored. He suggested that this could provide integrity to the
6	process. He also stated that the process relies on farmer enrollment for success.
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8	Dale Bambrick stated that a continuum of buffers could be prescribed across the
9	landscape. Hemphill disagreed
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11	Philip Morley stated that counties are facing strict timelines. He stated that the watershed
12	approach seems time consuming and difficult. Morley recommends a WRIA approach to
13	keep concerns local and simple.
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15	Chan stated that there is available science on protection and restoration. What isn't out
16	there is how the science is being used.
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18	Half hour Caucus Break to discuss Thompson's proposed Options Package
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20	Thompson went around the room to check in with the caucuses.
21	<u>Federal Caucus</u> : Agrees with the process and are unified on this position. They are
22	willing to work on the elements of the proposal.
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24	State Caucus: Ready, willing and able to move forward with the options package.
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26	<u>Counties</u> : The options package is workable at the county level. The process is moving in

package could fit into the CAO discussions by providing a specific package standard for

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the whole state.

Ag caucus: Stated that they are willing to pursue the concept.

Districts: Stated that they are ready to go with the package.

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Action Items:

- <u>Betty Sue Morris</u> would like the <u>EC</u> to provide the AFW group with suggestions of best available science.
- Dan Wood requested the AG Caucus to provide a buffer size that they would be willing to support that is workable with ESA.
- **Thompson** stated that the next steps in the process include:
 - An e-mail he will send out to the group that asks for responses on a suggested membership for a work group to develop a 6-month work plan.

the right direction. Wood stated his encouragement by today's discussions.

- Thompson asked the **State and Federal agencies** for areas of flexibility in waterways matrix.
- Thompson asked the <u>AG caucus</u> to provide the State and Federal agencies with suggestions to waterway classifications.

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3. Integrated Technical Team Progress Report

Mike Rundlett summarized the ITT work. He is impressed with the work the ITT has produced. The month of June provided a foundation of discussion. During a month hiatus in July, the ITT produced a tremendous amount of work. He discussed the four handouts that summarized some ITT work:

- □ Most work focused on chapter 5 and 6. Chapter 6 has gone through a major re-write.
- □ V-ditches issue has gained much more focused direction. Still debating on the detail of the V-ditch language, but there is a conceptual framework.
- □ Practices are moving along.
- □ Waterway classifications are being queued up.

Rundlett stated that he would like to secure more time at the next EC meeting to discuss the policy issues on the AWC document. Linda Crerar encouraged this. Rundlett mentioned that the ITT has a lot of work to do between now and the next meeting. Thompson suggested that the first thing on next meetings agenda should be policy issues. Crerar would also like to talk add practices as a discussion item at the next meeting.

Easter stated when the last EC meeting cancelled in July time was spent talking about an approach on Section 7 consultation. It was decided that all 161 FOTG practices would be looked to determine which ones are used in NW Washington. About ninety practices are not used in NW WA. Once the practices used in NW Washington farm plans were determined – they were analyzed for their context with fish. Thirty of the remaining NW WA practices the ITT has been working on. Some of the other practices used in NW WA could use some minor wording changes. The practices were arranged in categories that could save a lot of AFW time and effort in the future. Tim suggests ITT move forward as planned.

Action Items:

• At the next EC meeting policy issues of the AWC document and ag practices will be discussed.

4. 2002 – 2003 AFW Negotiations Spending Plan

Smitch addressed the issue of AFW funding. He announced that a proposed tentative budget by the Conservation Commission is provided today. Previous to today's meeting, Smitch had asked if the AG caucus had any budget proposals to bring to the table. Rundlett went through the line items of the proposed spending plan. Jim Hazen asked to save budget discussion for when Steve Meyer is present. Paul LaCroix stated that Hemphill has been volunteering for months, funding is necessary. Borck asked how to request money for AFW support. Curt stated that written proposals to Meyer (Conservation Commission) and Smitch are the best way to request money, the same is asked from the environmental community. Borck questioned the environmental community's participation in the process, especially since they are not attending today's meeting. Discussion will continue when Meyer is present.

- Hazen wonders why the money is going to administration rather than for participants.
- 2 He would like an explanation of how the Commission made its decisions. Karen
- Poulsen stated that the operating budget language reflects that funding is for
- 4 participants rather than staff. Smitch offered to check with the budget office and
- 5 Meyer on this issue. He stated that in his discussions with the Governor, the governor
- feels that there's enough money in the budget to accomplish the AFW process.
 - Hazen stated that the Ag Caucus made the budget request for ag science research,
- funding wouldn't have been available if AG caucus had not lobbied.

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Smitch stated that the Governor supported the request because he thought it was to support the whole AFW effort, but he will research this question and bring his information to the next AFW EC meeting.

Action Items:

- Negotiation Spending Plan discussion will be discussed when <u>Steve Meyer</u> is present.
- Curt Smitch will check with Steve Meyer and the budget office on the AFW operating budget language.

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5. Wrap Up/EC Meeting Schedule

The next FOTG EC meeting is scheduled for Friday, September 28th. Two-day EC meetings had been proposed by Borck. After looking through schedules it was suggested that two-day meetings be postponed for October. Ellensburg was chosen as the location for the September 28th FOTG EC meeting. The FOTG EC meeting on October 30-31st will be located in Western Washington.

Topics of discussion at the September FOTG EC meeting:

- Establish funding and compliance committees. Put a checklist together need people with experience in that to help.
- ITT update
- Caucus comments and suggestion on the options approach.
- CREP language.

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Meeting Handouts:

- Agenda
- May 10th FOTG EC meeting draft minutes
- Progress Report of AWC Maintenance Policy Guidelines for NW WA
- Practices List
- V-Ditches proposal
- AWC Chapter 6 draft
- AFW Operating Budget
- Letter to Senator James West from Steve Meyer
- Science Advisory Panel
- Summary of Bolton paper
- Two copies of Bolton paper a draft and final revision
- Tim Thompson's talking points

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Attendees Rembriels Dele	Representing NMFS
Bambrick, Dale	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Berg, Ken	USFWS WAWG
Borck, Gretchen	
Briscoe, Lynn	WSDA WSDA
Crerar, Linda	
Deusen, Millard S.	WDFW
Easter, Frank	NRCS
Eaton, Tom	EPA
Faulconer, Lee	WSDA
Gordon, Jay	Washington State Dairy Federation
Hansen, Heather	WA Friends of Farms and Forests
Hazen, Jim	WSHA
Hemphill, Sara	NRC
Hudson, Tip	WCA
Jensen, Martha	USFWS
Johnson, Linda	WA Farm Bureau
Judge, Millie	Snohomish County PAO
Kelly, Carolyn	WACD
LaCroix, Paul	WWAA
Landino, Steve	NMFS
Lee, Bob	Sen Ag Com
Lund, Hertha	Washington State Farm Bureau
Mankowski, John	WDFW
Monsen, Jeff	Whatcom County
Morley, Philip	Snohomish County
Morris, Betty Sue	WASAC/Clark County
Muck, Jim	USFWS
Munks, Don	Skagit County
Nelson, Rick	WCA
Poulsen, Karen	Hay Growers
Poulson, Mike	Ag Caucus
Ralph, Alisa	USFWS
Roozen, John	WA Bulb
Smitch, Curt	Governor's Office
Stockle, Claudio	WSU
Thompson, Tim	Facilitator
Troutman, Wade	WACD
Turner, Bob	NMFS
Wahbeh, Hibba	WCC
Wasserman, Larry	SSC
Weber, Jim	SSC (observer)
Wesen, Lyle R.	Dike & Drainage District Commissioner
Wilburn, Gary	State Senate Staff
Wood, Dan	WSAC

Wright, Vim	WCC
Zimmerman, Jim	WA State Grange
Science Panel:	
Anderson, Wilbur	WSU
Chan, Sam	USDA Forest Service
Kassebaum, Carl	CRK Envr. Mngt.
Maki, Mike	Agroforestry Associates